

TRANSMITTAL OF APPEAL BRIEF (Large Entity)

Docket No.
ITL.0170US

In Re Application Of: SUNDARAM RAMAKESAVAN

Serial No.
09/234,559Filing Date
JANUARY 20, 1999Examiner
V. KOSTAKGroup Art Unit
2614

Invention:

SYSTEM FOR PROVIDING VIDEO ON DEMAND WITH PAUSE FEATURE

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JUN 01 2004

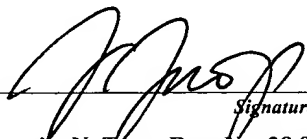
TO THE COMMISSIONER FOR PATENTS:

Technology Center 2600

Transmitted herewith in triplicate is the Appeal Brief in this application, with respect to the Notice of Appeal filed on April 6, 2004.

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Dated: May 24, 2004

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Sundaram Ramakesavan

Serial No.: 09/234,559

Filed: January 20, 1999

For: System For Providing Video On
Demand With Pause Feature

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Group Art Unit: 2614

Examiner: V. Kostak

Atty. Docket No.: ITL.0170US
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APPEAL BRIEF

Sir:

Applicant respectfully appeals from the second office action mailed February 17, 2004.

I. REAL PARTY IN INTEREST

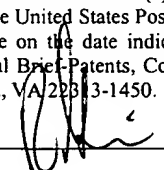
The real party in interest is the assignee Intel Corporation.

II. RELATED APPEALS AND INTERFERENCES

The issues are virtually identical to those already decided in Appeal No. 2002-0336 on the same application.

III. STATUS OF THE CLAIMS

Claims 1-26 are rejected for the second time.

Date of Deposit: **May 24, 2004**
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Rebecca R. Ginn

IV. STATUS OF AMENDMENTS

All other amendments have been entered.

V. SUMMARY OF THE INVENTION

Referring to Figure 1, a video distribution system 10 may be implemented in a variety of different video distribution environments including cable, television broadcast, or satellite as examples. The video provider 14, which may be a cable provider or a satellite system provider as examples, transmits video, as indicated at 16, to a plurality of receivers 12 which may be processor based television receivers. The processor based television receivers may, for example, be so called set-top computer systems which use a television receiver as a display.

Instead of transmitting the video at a set or predetermined time corresponding to the time the video will be viewed, the video may be continually or semi-continuously streamed to all of the receivers in an encrypted form. Alternatively the video may simply be transmitted in advance and stored on a plurality of receivers. The individual receivers 12 may not be capable (without additional information) of displaying the transmitted video information. Thus, to the extent possible given the bandwidth of the system, video may be transmitted to the receiver 12 and stored thereon, for example in a memory 22, for viewing at a later time.

When a user desires to view particular video information, such as a movie, at any time, the user may simply request the decryption information, for example, from the video provider 14. In a two-way transmission scheme the request for decryption information may be transmitted over the same transport that conveyed the video. Alternatively, a separate medium or channel may be used. In addition, the decryption information may be requested from a source different from the video provider 14, in one embodiment of the invention. See specification page 3, line 2 through page 4, line 10.

The decryption information may then be transmitted with unrelated video information 16, in one example, to the receiver 12. For example, under control by the controller 15, the decryption information may be provided together with information about the intended recipient. Equipped with the decryption key for a particular video such as a movie, the receiver 12 can decrypt the video and allow the viewer to view the video on demand.

Where each of the receivers 12 includes a unique identifier and the decryption information is coded for the requesting receiver, only the receiver whose identifier matches an identifier transmitted with the decryption key is able to decode the decryption key for the requested video. In addition, when the receiver requests the decryption information, the receiver may not only be provided the decryption information, but appropriate billing provisions may be implemented as well.

Requests for the decryption information may be provided through a telephone network 20 as one example. As another example, the request may be made over an electronic network, such as the Internet using electronic mail. Thus, in effect a back channel may be used to request the decryption information from the video provider or other source in one embodiment. The video provider (or other source) then may provide not only the decryption information, but in one embodiment of the invention, the information needed to access the receiver's memory for the selected video information may also be provided. See specification page 4, line 11 through page 5, line 13.

Referring now to Figure 2, software, in accordance with one embodiment, may be stored on the receiver 12 for implementing a video on demand system. The software 26 may begin by receiving and storing the encrypted video as indicated in block 28. In one embodiment, this may be done at particular times when volume in the transmission channel is low or the transmission

may be done continuously or semi-continuously so as to store a library of video files on the receiver 12.

Upon request for video, as indicated in diamond 30, the receiver 12 requests a decryption key as indicated in block 32. This request may be carried over a back channel, in one embodiment of the invention, through a network 20 such as the Internet or a telephone network. Next, the video, stored in an encrypted form on the receiver 12, is retrieved as indicated in block 34. The video may then be automatically decrypted as indicated in block 36, and the display of the video may begin as indicated in block 38.

Generally, it may be desirable to transmit a decryption key for sections or portions of a given video. Thus, to view the entire video, the receiver must receive one or more video decryption keys, each of which may be used to decrypt a portion (less than all) of the video information. The advantage of this technique is that a pirate must obtain a number of video decryption keys in order to decrypt the entire video. This makes it harder to pirate the decryption keys, decreasing the likelihood of theft of services. For example, a new decryption key may be needed for each minute of video. Therefore, it may be desirable to transmit a new decryption key every minute, once an initial request for decryption information has been made. See specification page 5, line 15 through page 7, line 10.

If the user wishes to pause the ongoing video transmission (diamond 40), a signal may be sent, for example, over a back channel to the video provider 14 requesting a pause authorization (block 42). The video provider may respond by providing an acknowledgement number (block 44). When the user wishes to resume the video transmission, the user may simply press a “resume” key and provide the acknowledgement number. The video provider then knows when

the particular receiver paused and provides the appropriate keys to allow the user to continue to view the rest of the video that was already requested, and presumably, billed.

Turning now to Figure 3, an example of a system that may be used as a receiver 12 is illustrated. The receiver 12 may include a processor 65 coupled to an accelerated graphics port (AGP) chipset 66. The chipset 66 may be coupled to system memory 68 and the accelerated graphics port bus 70. The bus 70 in turn may be coupled to a graphics accelerator 72, also coupled to a video or television receiver 73.

The chipset 66 may also be coupled to a bus 74 that receives a TV tuner/capture card 76. The card 76 may be coupled to a television antenna 78 which may also be a satellite antenna or a cable connection as additional examples. A connection to a network 90, such as a modem connection to the Internet or a network controller connection to a computer network may also be provided.

The bus 74 is coupled to a bridge 80 which in turn is coupled to a hard disk drive 82. The hard disk drive 82 may store the software 26 and 46. The software 100 may be script transmitted from the transmitter 14 to assist in locating stored video information. See specification page 7, line 11 through page 8, line 4.

Claim 1 *inter alia* calls for a controller to receive a request to pause the play of video and to automatically request a code to enable video play to be resumed at a later time.

Claim 4 calls for a controller that receives a request for a code to enable the play of video to be paused and to be resumed at a later time and in response said controller automatically provides said code.

Claim 21, dependent on claim 4, calls for a controller that transmits an acknowledgement number to a receiver in response to a request for a code to enable the play of video to be paused and to be resumed at a later time.

Claim 10 calls for automatically requesting a code to enable video to be played at a later time.

Claim 22 dependent on claim 10, calls for receiving an acknowledgement number and using the acknowledgement number to resume the play of video.

Claim 14 calls for automatically requesting a code to enable the play to be resumed at a later time in response to a request to pause the play of video.

Claim 24, dependent on claim 14, calls for enabling the user to press a button to resume the play of the video and in response to the operation of the button, automatically transmitting the code to enable resumed play of the video.

The variety of different claimed elements in the above-recited claims demonstrates that there are a number of different ways to enable the play of video to be paused and restarted, for example without additional charge.

VI. ISSUES

- A. **Is Claim 1 Obvious Over Dan in View of Saward?**
- B. **Is Claim 4 Obvious Over Dan in View of Saward?**

VII. GROUPING OF THE CLAIMS

For brevity on appeal, claims 1- 3 and 10-26 may be grouped, and claims 4-9 may be grouped.

VIII. ARGUMENT

A. Is Claim 1 Obvious Over Dan in View of Saward?

Claim 1 *inter alia* calls for a controller to receive “a request to pause the play of said video and automatically request a code to enable video play to be resumed at a later time”. As explained in the Board’s prior decision in this case:

...the instant claims do not merely require a ‘pause’ feature. They require a specific way to restart the program at a later time after the pause. In particular, each of the claims on appeal requires a controller to request a ‘code’ to enable video play at a later time.

Board Decision on Appeal No. 2002-0336 at page 4.

The rejection of claim 1 starts off on page 4 with what the Examiner calls “an implicit assumption” that “it would have been obvious to one of ordinary skill in the art to provide measures to ensure restricted access to the video since Dan’s system is an on demand system (i.e., available to paying clients only).” Of course, this premise is entirely irrelevant to the claimed invention. Moreover, it is statutorily insufficient to simply assume what is obvious.

From this so-called implicit assumption, the Examiner concludes, again without any support, that “it would accordingly have been obvious to one of ordinary skill in the art to use any suitable method for discouraging accessibility to non-paying customers, such as encrypting (or scrambling) of videos, which is a very well known technique and, as shown by Saward, who, in a system similar to that of Dan, downloads recordable videos in a subscription-based video system (noting Figure 3 or 5).” See Paper No. 2, page 4. Again, the points are totally unsupported, totally irrelevant, and totally impermissible since they simply conclude what is obvious based on nothing in the references.

Carrying the unsupported reasoning further, the Examiner then concludes from the previous two implicit assumptions that:

In view of the fact that decrypting (descrambling) would have been obvious to incorporate in the system of Dan as taught by Saward, the system of Dan, as modified by Saward would require the decryption stage to be activated upon initiation of play, pause, and/or the resume codes used by Dan so managed by an inherent internal controller, thereby providing unscrambled and, therefore, presentable videos.

Paper No. 2, page 4.

Again, all of this is unsupported conjecture, completely improper since it is not based in any way on anything in the references. Of course, this is the exact same kind of reasoning that the Board addressed once before. There, the Board noted that “while the Examiner does not contend that Russo teaches such a ‘code,’ the Examiner does contend that it would have been ‘obvious to consider such a feature as a pause function, whereby the controller 150 would recognize this command by an inherent code, as a separate command from a resume or play command...’ Board Decision at page 4.

Now, the Examiner again simply contends that the code is inherent. However, the Board noted that “the mere fact that a thing MAY result from a given set of circumstances is not sufficient to establish inherency.” See Board Decision at page 4. The Examiner was specifically told that “the Examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics necessary flows from the teaching of the prior art.” See Board Decision at page 4. Again, the Examiner has simply refused to provide any support for the rejection and, again, simply insists that somehow the feature is inherent. The use of the code in the claimed fashion is no more inherent here than it was in Russo. As in the case of the previous appeal, the Examiner, again, fails to substantiate

any alleged inherency. There is absolutely no reason to believe that a code must be read to enable play at a later time.

In connection with the rejection of claim 14, the Examiner does contend that “when a pause request is prompted, the video is subsequently resumed automatically according to a resume request code sent to the head end (e.g., column 2, lines 46-49) as indicated in the flow chart in Fig. 5.” See Rejection dated February 17, 2004 at page 2 under paragraph 2. The cited lines of Dan are set forth below to illustrate their total inapplicability to the present rejection:

The priority request 110b is high if the request is for
resuming a movie after a pause and normal if the request is for
starting a movie.

Plainly, this language has nothing to do with the claimed code. It merely has to do with the request. The request for a resume is a given a higher priority than a request to initially start play. But this has nothing to do with the controller to automatically request a code “to enable video play to be resumed at a later time.” There is no code to enable play to be requested at a later time in Dan, just like there was no code in Russo, which was the subject of the previous appeal.

Since the rejection is essentially the same rejection which the Board has already once reversed, the rejection should be reversed again.

B. Is Claim 4 Obvious Over Dan in View of Saward?

Claim 4 calls for a controller that receives a request for a code to enable the play of video to be paused and to be resumed at a later time and in response the controller automatically provides the code.

Again, there is no reason why the reference necessarily would receive a request for a code and in response provide a code and moreover there is no reason that the code would be


provided automatically as a matter of absolute necessity. Therefore the rejection of claim 4 should be reversed.

IX. CONCLUSION

Since the rejections of the claims are baseless, they should be reversed.

Respectfully submitted,

Date: May 24, 2004



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APPENDIX OF CLAIMS

The claims on appeal are:

1. A receiver for receiving video information from a video transmitter comprising:
a storage medium for storing video information received by a receiver;
a decryption engine to decrypt stored video information; and
a controller to control the storage medium and the decryption engine and request decryption information for the engine, said controller to control the play of video, to receive a request to pause the play of said video and to automatically request a code to enable video play to be resumed at a later time.
2. The receiver of claim 1 wherein said controller includes a processor.
3. The receiver of claim 1 wherein said engine is adopted to decrypt stored video upon receipt of a request to view stored video.
4. A video transmission system comprising:
a video transmitter that transmits video to a plurality of receivers for display at a later time; and
a controller that transmits decryption information to said receivers to enable video upon request, said controller receives a request for a code to enable the play of video to be paused and to be resumed at a later time, and in response said controller automatically provides said code.

5. The system of claim 4 wherein said controller also is adapted to transmit an identifier which identifies a particular receiver to receive said decryption information.

6. The system of claim 5 wherein said controller is part of said transmitter.

7. The system of claim 4 wherein said video transmitter transmits video over a cable system.

8. The system of claim 4 wherein said video transmitter transmits video over a satellite system.

9. The system of claim 4 wherein said transmitter also transmits information to assist in locating particular video files transmitted by said transmitter to said receivers.

10. A method comprising:
storing encrypted video in a receiver;
requesting a decryption key for said stored video;
playing said video;
receiving a request to pause said play of video; and
automatically requesting a code to enable said video to be played at a later time.

11. The method of claim 10 including receiving the encrypted video from one source and receiving the decryption key from a second source.

12. The method of claim 10 including receiving the video and said decryption key from the same source.

13. The method of claim 10 including receiving an identifier to identify a particular receiver to receive said key.

14. A video distribution method comprising:
storing video for selection by the recipient;
upon request by the recipient, allowing the recipient to select for viewing a stored video;
playing said video; and
in response to a request to pause the play of said video, automatically requesting a code to enable play to be resumed at a later time.

15. The method of claim 14 including providing a graphical user interface which displays the video information which is available for selection by the user.

16. An article comprising a medium for storing instructions that cause a processor based system to:
store video for selection by the recipient;
upon request by a recipient, allow the recipient to select, for viewing, video previously stored;
play said video; and

in response to a request to pause the play of said video, automatically request a code to enable play to be resumed at a later time.

17. An article comprising a medium for storing instructions that cause a processor based system to:

store encrypted video to a receiver;

request a decryption key, for said stored video;

play said video;

receive a request to pause said play of video; and

automatically request a code to enable said video to be played at a later time.

18. The article of claim 17 including instructions that cause a processor based system to receive the encrypted video from one source and receive the decryption key from a second source.

19. The article of claim 17 including instructions that cause a processor based system to receive the video and said decryption key from the same source.

20. The article of claim 17 including instructions that cause a processor based system to receive an identifier to identify a particular receiver to receive said key.

21. The system of claim 4 wherein said controller transmits an acknowledgement number to a receiver in response to a request for a code to enable the play of video to be paused and to be resumed at a later time.

22. The method of claim 10 further including receiving an acknowledgement number and using said acknowledgement number to resume the play of video.

23. The method of claim 22 wherein using said acknowledgement number includes using said acknowledgement number to resume the play of video without an additional charge.

24. The method of claim 14 further including enabling the user to press a button to resume the play of said video and in response to the operation of said button, automatically transmitting the code to enable resumed play of said video.

25. The method of claim 24 further including receiving a key to enable decryption of the video.

26. The method of claim 25 including resuming the play of video from the point where the video play was paused.